

TITLE 3

ADMINISTRATION

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CHAPTER 3-01. APPOINTED OFFICES

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3-01-010. Appointed Offices.

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Manager, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, and the City Fire Chief.

3-01-020. Appointment and Vacancies

Appointed officers shall be appointed or vacancies filled in accordance with the provisions of this Title and applicable provisions of Title 10, Chapter 3 of the Utah Code Annotated. The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all appointed offices provided for by law or ordinance. Unless otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council. Unless sooner removed as provided herein, all appointed officers shall continue in office until their successors are appointed and qualified. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer as more particularly provided in Section 3-01-080.

3-01-030. Oath of Office.

(a) Required. Before entering on the duties of their respective offices, all appointed officers of the City shall take, subscribe and file the constitutional oath of office as set forth in Article IV, Section 10 of the Utah Constitution.

(b) Administered. The oath of office shall be administered by the City Recorder or any judge, justice court judge, or notary public.

(c) Filed. All oaths of office shall be filed with the City Recorder, except that of the City Recorder, which shall be filed with the City Treasurer.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

3-01-040. Bond.

(a) Required. The Treasurer and the Finance Director shall be required to furnish a bond in accordance with the provisions set forth herein. All other appointed officers of the City may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the City in such sum as the resolution or ordinance may establish, conditioned for the faithful performance of such officers according to law, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the City Council.

(b) Treasurer and Finance Director's Bond. The City Treasurer and Finance Director's bond shall be in the amount established by the State Money Management Council pursuant to *Utah Code Ann.* § 51-7-15, as amended.

(c) Filed. All bonds shall be filed with the City Recorder, except the City Recorder's bond, if required, which shall be filed with the City Treasurer.

(d) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.

(e) Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

3-01-050. Salaries.

(a) Salary. Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended.

(b) Monthly Compensation. The compensation of municipal officers shall be paid at least monthly.

3-01-060. Transfer of Records.

Every officer of the City, upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to his or her successor all books and records which may be the property of the City.

3-01-070. Conflicts of Interest.

All appointed officers of the City shall conduct themselves in an appropriate manner, including adherence to the conflict of interest and disclosure filing provisions of the Utah Officers' and Employees' Ethics Act, set forth at *Utah Code Ann.* § 10-3-1301, *et seq.*, as amended, hereby adopted by reference as if fully set forth herein.

3-01-080. City Manager.

(a) **Appointment.** The office of City Manager has been heretofore created and established and shall continue in force and effect as an appointed office of the City in accordance with *Utah Code Ann.* § 10-3-830, as amended. The City Council shall appoint a qualified person to act as City Manager. Pursuant to *Utah Code Ann.* § 10-3-101, the Mayor shall have the right to vote in the appointment of the City Manager.

(b) **Term of Office and Severance Pay.** The City Manager shall serve at the pleasure of the City Council and may be terminated at any time with or without cause by a majority vote of the City Council. Pursuant to *Utah Code Ann.* § 10-3-101, the Mayor shall have the right to vote in the dismissal of the City Manager. In any case where the City Manager is removed without cause, the City shall pay to the City Manager severance pay equal to six (6) months salary.

(c) **Office.** The City Manager shall maintain an office in City Hall and shall spend such time in the performance of his or her duties as is necessary or as may be required from time to time by the City Council, but not less than forty (40) hours per week. The City Manager need not be a resident or qualified elector of the City, but should maintain his or her residence within a reasonable driving distance of the City.

(d) **Resignation.** Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least thirty (30) days notice in writing of his or her intent to resign.

(e) **Other Employment.** The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

(f) **Powers of Mayor not Delegated.** The legislative and judicial powers of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager.

(g) **Duties.** The City Manager shall at all times be under the control and supervision of the City Council, and shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The following duties and the authority to perform them are hereby delegated to the City Manager. The City Manager may delegate his or her duties to department heads or other subordinates as deemed appropriate.

(1) **Appointed Officers.** The City Manager may recommend to the Mayor and City Council the appointment or removal of appointed officers, whose employment or appointment may be terminated only by the City Council. The City Manager shall have authority to appoint and remove all other department heads with the advice and consent of the City Council. The City Manager shall have authority to appoint and remove all other City employees. The City Manager may delegate this authority by authorizing the head of a department or office to appoint, suspend, or remove subordinates in such department or office in accordance with City Personnel Policies and Procedures.

(2) **Interpretation of Policy.** The City Manager shall, whenever a question of the interpretation or operation of City policy arises, consult with the Mayor, who has full executive

authority to interpret, apply, and implement City policy, subject to review, further direction, and revision of policy by the City Council at its meetings. Whenever the Mayor has been called upon to interpret, apply or implement City policy, the City Council shall be notified thereof at or prior to the next meeting of the City Council, in order that the City Council may consider City policy in light of its executive interpretation, application, implementation, and administration.

(3) **Supervision.** The City Manager has general supervisory authority over all City employees and shall provide direct supervision to and have direct responsibility over all department heads. The City Manager shall manage, direct, or otherwise supervise the construction, reconstruction, maintenance or repair of public works and related facilities, and activities such as but not limited to the following: parks, playgrounds, cemeteries, waterworks, storm sewers, drains, ditches, culverts, streets, water courses, curbs and gutters, sidewalks, alleys, lanes, bridges, garbage collection and municipal buildings.

(4) **Property.** The City Manager shall be responsible for the care and custody of all real and personal property of the City, including equipment, buildings, parks and all other City property which is not by law, City Ordinance, or job description, assigned to some other department, employee, office or body for care and control.

(5) **Buildings and Safety.** The City Manager shall oversee the issuing of building permits; the inspection of buildings, plumbing, electrical, mechanical, and other installations; and supervise and oversee all functions of the Public Safety Department.

(6) **Purchasing and Claims.** The City Manager shall act as purchasing agent for the City. As such, the City Manager shall see that all goods purchased by and for the City are received as per contract, shall approve all claims before presentation to the City Council for payment, and shall enforce and carry out all provisions of the ordinances of the City relating to purchasing.

(7) **Council Meetings.** The City Manager shall attend all meetings of the City Council with the right to take part in the discussion and to recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient, but not to vote.

(8) **Budget and Finances.** The City Manager shall act as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Utah Uniform Municipal Fiscal Procedures Act. The City Manager shall prepare the budget annually and submit it to the City Council together with a message describing the important features, and shall administer the budget after its adoption. The City Manager shall also exercise budgetary control over City departments and services, pre-audit claims and disbursements of City funds, keep the City Council advised as to the financial condition and needs of the City, and make such recommendations to the City Council as may be desirable.

(9) **Contracts.** The City Manager shall review and make recommendations to the City Council concerning all proposed contracts to which the City may be a party and shall see that the terms of any contract to which the City is party are fully performed by all parties thereto.

(10) **Policy Proposals.** The City Manager shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.

(11) **Management Controls.** The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.

(12) Organization. The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.

(13) Records. The City Manager shall examine the books, records, and official papers of the City's departments and offices.

(14) Emergencies. The City Manager shall serve as Emergency Services Director with duties as prescribed under the Farmington City Emergency Preparedness Plan.

(15) Emergency Notification. The City Manager shall notify the Mayor immediately upon the City Manager's cognizance of any emergency situation existing in any department or office under his or her supervision where the emergency threatens to interrupt normal City operations. The City Manager will then inform members of the City Council of the emergency as soon as is reasonably possible.

(16) Utility Billing Disputes. The City Manager shall settle disputes regarding utility billings and fees in accordance with policies and procedures as set by resolution or ordinance of the City Council.

(17) Other. The City Manager shall have such other powers and shall perform such other duties and obligations as may be required of him or her by state law or by ordinance or resolution of the City Council.

(h) Disbursement of Funds. The City Manager shall not disburse funds of the City nor obligate the City to disburse funds, if the amount of such disbursement exceeds five hundred dollars (\$500.00), unless approval of the City Council is first obtained for such disbursement obligation. If the disbursement or obligation is contained within the intent of a duly adopted budget, or is made pursuant to a contract authorized by the City Council, or is made in payment of salary at an approved rate, then the disbursement or obligation shall be deemed approved for purposes of this subsection. An obligation made in violation of this subsection shall be null and void.

(i) Duties of Mayor Relative to City Manager. The duties of the Mayor relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The Mayor shall recommend the appointment or removal of the City Manager, with or without cause, to the City Council, and may vote on the appointment or dismissal of the City Manager as provided by law.

(2) Officers. The Mayor shall appoint and remove appointed officers of the City, with the advice and consent of the City Council as more particularly provided in Title 2, Chapter 2. The City Manager may recommend the appointment or removal of appointed officers to the Mayor and City Council.

(3) Boards and Committees. The Mayor, with the advice and consent of the City Council, shall appoint persons to fill openings on City boards, committees and commissions.

(j) Duties and Powers of City Council Relative to City Manager. The duties and powers of the City Council relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The City Council shall appoint and remove, with the participation of the Mayor as provided by law, the City Manager by majority vote thereof. The City Council may conduct annual performance evaluations of the City Manager.

(2) Policy. The City Council shall pass upon and determine all questions of policy.

(3) Appointments. The City Council shall give advice and consent to the appointment of all officers and the appointment of persons to City boards, committees and commissions, as more particularly provided by law and in these Ordinances.

(4) Administration. The City Council shall create new departments and organize the City's administration.

3-01-090. City Recorder.

(a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder.

(b) Office. The City Recorder shall occupy an office in the City Hall or at some other place convenient thereto as the City Council may direct.

(c) Supervision. The City Recorder shall be supervised by the Finance Director under the direction of the City Manager.

(d) Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.

(e) Meetings of City Council. The City Recorder, or his or her designee, shall attend the meetings and keep the record of the proceedings of the City Council.

(g) Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.

(g) Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

(h) Fiscal Procedures. The City Recorder shall perform all required duties of the Uniform Fiscal Procedures Act for Utah Cities as set forth in *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended.

(i) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in the *Utah Code Annotated*, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.

(j) Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act.

(k) Limitations. The City Recorder shall not serve as the City Treasurer.

(l) Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.